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June 24, 2005

VIA HAND DELIVERY

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Amendment of Published
Patent Application under MPEP § 608.01(v)
U.S. Patent Application No. 20050106278
Serial No.: 10/714005
Filing Date: November 14, 2003

Commissioner for Patents:

Our client, United States Gypsum Company ("USG"), owns several federal registrations for the trademark SHEETROCK, as follows:

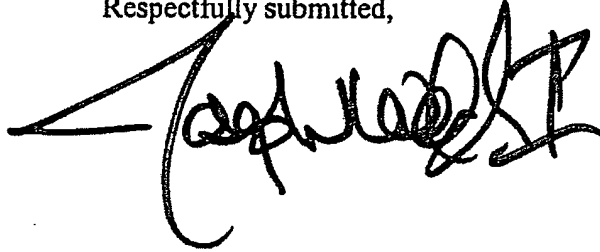
Mark	Reg. No.	Goods
SHEETROCK	153,038	Plaster Wall Board.
SHEETROCK	558,498	Sealer, sizing.
SHEETROCK	1,952,408	Screws and drywall repair clips made of metal.
SHEETROCK	2,178,417	Paint additive in the nature of ground pumice for creating textured walls and ceilings; textured pain for interior surfaces; and primer for wallboard; drywall joint compound, drywall joint tape, and sealant, namely, acoustical insulation for buildings; spackling compound, spackling powder; plaster, and cement mixes.

USG respectfully requests that the Examiner of this patent application remove the improper uses of the trademark SHEETROCK highlighted in the enclosed print-out, and that the generic term **drywall** or **wallboard** be substituted in each highlighted instance. These corrections should be completed prior to issuance of the patent.

June 24, 2005

On February 26, 2004, we filed a letter (copy enclosed) requesting that USG's SHEETROCK mark be added to Appendix I of the Manual of Examining Procedure (the Partial List of Trademarks) to prevent misuse of that mark in patent applications. Under § 608.01(v) of the Manual of Patent Examining Procedure ("MPEP"), a patent applicant may only use another's trademark if it "is set forth in such language that its identity is clear ... [and so long as] it is distinguished from common descriptive nouns by capitalization." That section goes on to state that "the proprietary nature of the marks should be respected," and that "[e]very effort should be made to prevent their use in any manner which might adversely affect their validity as trademarks." Inappropriate use may adversely affect the validity of the trademark and impair its value "to the extent that it [becomes] descriptive of a product, rather than used as an identification of a source or origin of a product." MPEP § 2173.05(u). For all these reasons, we ask that the misuses of our client's registered SHEETROCK mark, including the misuse in its title, be removed from this patent application.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "C. J. [unclear]", written over the "Respectfully submitted," text.

Enclosure
JNW:tbc